

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:23-cr-00193-JPH-MG
)	
THOMAS CADE MARTIN,)	
)	
Defendant.)	

NOTICE REGARDING FORFEITURE

The United States of America, by counsel, hereby notifies the Court that, pursuant to Federal Rule of Criminal Procedure 32.2(c)(2), the judgment dated June 3, 2024, is the final order of forfeiture in this case. [Filing No. 68.]

In support thereof, the United States proffers as follows:

1. On December 15, 2023, an Information was filed charging the Defendant with Distribution of a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252A(a)(2)(B)(Count 1); Possession of Visual Depictions of a Minor Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252A(a)(5)(B)(Count 2). [Filing No. 34.]

2. In the Information the property listed for forfeiture is:

- Apple iPhone 11 Pro Max SN: G6TD50NQN70C
(Asset Identification Number: 23-FBI-008845)

(“Subject Property”) [Filing No. 34.]

3. On December 15, 2023, the parties filed a Petition to Enter a Plea of Guilty and Plea Agreement, in which the Defendant agreed to plead guilty to Counts 1 and 2 of the Information. As part of the Plea Agreement the Defendant agreed to the forfeiture of Subject Property. [Filing No. 42.]

4. On February 1, 2024, the Court entered a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in Subject Property. [Filing No. 50.]

5. On May 29, 2024, a change of plea and sentencing hearing was held and the Defendant was adjudged guilty. [Filing No. 65.]

6. On June 3, 2024, following sentencing, the Court entered judgment in the above-captioned cause and, in so doing, ordered forfeiture of "Apple iPhone 11 Pro Max (Asset Identification Number: 23-FBI-008885)." [Filing No. 68.]

7. The cellphone is subject to forfeiture as any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses and therefore subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(3).

8. Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States posted notice of the order of forfeiture of the Subject Property on the official internet government forfeiture site, www.forfeiture.gov, for thirty consecutive days from May 29, 2024, to and including June 27, 2024. See Attachment 1, Declaration of Publication; see also Fed. R. Crim. P. 32.2(b)(6) (incorporating Rule G(4)).

9. No person has made any claim to, or declared any interest in, any of the Subject Property as provided in 21 U.S.C. § 853(n), and the time for filing a claim has expired.

WHEREFORE, pursuant to Federal Rule of Criminal Procedure 32.2(c)(2), the Court's judgment dated June 3, 2024, is the final order of forfeiture in this case, and all right, title, and

interest in the Subject Property is vested in the United States:

The United States may dispose of the Subject Property according to law.

Respectfully submitted,

ZACHARY A. MYERS
United States Attorney

By: /s/ Tiffany J. Preston

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2024, a copy of the foregoing Notice was filed electronically. Service of this filing will be made all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Tiffany J. Preston

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